

5. Determining the Extent of Corrosion on Exposed Gas Lines
6. Passage of Instrumented Internal Inspection Devices
7. Plastic Pipe Issues

Each meeting will be open to the public. Members of the public may present oral statements on the topics. Due to the limited time available, each person who wants to make an oral statement must notify Mary Jo Cooney, Room 2335, Department of Transportation Building, 400 Seventh Street, S.W., Washington, DC 20590, telephone (202) 366-4774, not later than October 31, 1996, on the topics to be addressed and the time requested to address each topic. The presiding officer may deny any request to present an oral statement and may limit the time of any oral presentation. Members of the public may present written statements to the Committee before or after any meeting.

Issued in Washington, DC on October 21, 1996.

Richard B. Felder,
Associate Administrator for Pipeline Safety.
[FR Doc. 96-27487 Filed 10-24-96; 8:45 am]
BILLING CODE 4910-60-P

Surface Transportation Board

[STB Finance Docket No. 33133]

Dakota Rail, Inc.—Acquisition of Control Exemption—Otter Tail Valley Railroad Company, Inc.

Dakota Rail, Inc. (Dakota), has filed a notice of exemption to acquire control, through stock purchase, of Otter Tail Valley Railroad Company, Inc. (OTVR).¹ OTVR, a Class III rail carrier, operates solely in Minnesota.²

Dakota, a Class III rail carrier, is a wholly owned subsidiary of RailAmerica, Inc. It operates a noncontiguous rail line from Hutchinson, MN, to Wayzata, MN. Under the terms of an agreement with OTVR, Dakota will acquire 100% of the

outstanding stock of OTVR.³ The effective date of the exemption was October 11, 1996.

This transaction is related to a notice of exemption filed in STB Finance Docket No. 33138, *RailAmerica, Inc.—Acquisition of Control Exemption—Otter Tail Valley Railroad Company, Inc.*, wherein RailAmerica seeks to acquire control, through Dakota, of OTVR.

Dakota indicates that: (1) OTVR does not connect with any other railroads in Dakota's corporate family; (2) the involved transaction is not part of a series of anticipated transactions that would connect Dakota with any other railroad in its corporate family; and (3) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2). The purpose of the transaction is to achieve operating economies and to improve service over the lines.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33133, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, one copy of all pleadings must be served on: Edward D. Greenberg, Canal Square, 1054 Thirty-First Street, N.W., Washington, DC 20007.

Decided: October 17, 1996.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.
Vernon A. Williams,
Secretary.

[FR Doc. 96-27422 Filed 10-24-96; 8:45 am]
BILLING CODE 4915-00-P

³ By decision served October 9, 1996, the Board's Secretary granted a motion for a protective order permitting the stock purchase agreement to be filed under seal.

[STB Finance Docket No. 33138]

RailAmerica, Inc.—Acquisition of Control Exemption—Otter Tail Valley Railroad Company, Inc.

RailAmerica, Inc. (RailAmerica), a noncarrier, has filed a notice of exemption to acquire control, through its wholly owned subsidiary Dakota Rail, Inc., of Otter Tail Valley Railroad Company, Inc. (OTVR).¹ OTVR, a Class III rail carrier, operates solely in Minnesota.²

RailAmerica also controls the following eight Class III rail carriers that do not connect with OTVR: Huron & Eastern Railway Company, Inc., the Saginaw Valley Railway Company, Inc., the South Central Tennessee Railroad Company, Dakota, the West Texas & Lubbock Railroad Company, Inc., the Plainview Terminal Company, Evansville Terminal Company, Inc., and the Cascade and Columbia River Railroad Company.³ The effective date of the exemption was October 11, 1996.

This transaction is related to a notice of exemption filed in STB Finance Docket No. 33133, *Dakota Rail, Inc.—Acquisition of Control Exemption—Otter Tail Valley Railroad Company, Inc.*, wherein Dakota seeks to acquire control, through stock purchase, of OTVR.

RailAmerica states that: (1) OTVR does not connect with any other railroads in its corporate family; (2) the involved transaction is not part of a

¹ Dakota seeks to acquire control, through stock purchase, of OTVR, in a concurrently filed notice of exemption in STB Finance Docket No. 33133, *Dakota Rail, Inc.—Acquisition of Control Exemption—Otter Tail Valley Railroad Company, Inc.*

² OTVR's main line runs from milepost 185.1, near Fergus Falls, MN, northwest to Barnesville Junction, MN (milepost 218.6 = 0). From Barnesville Junction, milepost 0, the main line runs northwest to Moorehead, MN, at milepost 21.25. In addition, a branch line runs from milepost 49.0, at Fergus Falls, west to milepost 61.5, at Foxhome, MN.

³ Common control of these carriers was approved in: *John H. Marino, Eric D. Gerst, and Mariner Corporation—Control Exemption—Saginaw Valley Railway Company, Inc.*, Finance Docket No. 31196 (ICC served Apr. 23, 1991); *RailAmerica, Inc.—Control Exemption—South Central Tennessee Railroad Company*, Finance Docket No. 32421 (ICC served Jan. 18, 1994); *RailAmerica, Inc.—Control Exemption—Prairie Holding Corporation and Dakota Rail, Inc.*, Finance Docket No. 32750 (ICC served Sept. 25, 1995); *RailAmerica, Inc.—Continuance in Control Exemption—West Texas and Lubbock Railroad Company, Inc. and Plainview Terminal Company*, Finance Docket No. 32797 (ICC served Dec. 27, 1995); *RailAmerica, Inc.—Continuance in Control Exemption—Evansville Terminal Company, Inc.*, STB Finance Docket No. 32990 (STB served July 17, 1996); and *RailAmerica, Inc.—Continuance in Control Exemption—Cascade and Columbia River Railroad Company*, STB Finance Docket No. 33048 (STB served Sept. 13, 1996).

¹ On October 4, 1996, Dakota filed a request to amend its verified notice of exemption filed on September 25, 1996, in this proceeding to properly characterize the transaction as "acquisition of control" rather than "acquisition of control and merger." Dakota states that, while it intends to merge OTVR into Dakota, there will be a period where OTVR will exist as a separate entity, with Dakota owning 100% of OTVR's outstanding stock and thus controlling OTVR. It indicates that it will seek separate approval of the merger of OTVR into Dakota.

² OTVR's main line runs from milepost 185.1, near Fergus Falls, MN, northwest to Barnesville Junction, MN (milepost 218.6 = 0). From Barnesville Junction, milepost 0, the main line runs northwest to Moorehead, MN, at milepost 21.25. In addition, a branch line runs from milepost 49.0, at Fergus Falls, west to milepost 61.5, at Foxhome, MN.